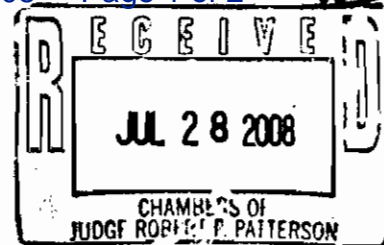




STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO  
Attorney General

Writer's Direct Dial: 212-416-8633

LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau

**MEMO ENDORSED**

July 25, 2008

**BY FEDERAL EXPRESS**

Honorable Ronald L. Ellis  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1970  
New York, New York 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/4/08

Re: *Tukpui v. City University of New York*, 07-cv-8713 (RPP) (RLE) (ECF)

Your Honor:

This Office represents defendant City University of New York ("CUNY") in the above-referenced action. On behalf of CUNY, I write to respectfully request an extension of the fact discovery deadline from July 31, 2008 to September 30, 2008. Plaintiff's counsel has consented to this request. This is CUNY's first request for an extension of the fact discovery deadline.<sup>1</sup> Should the Court grant this request, no other deadlines, including the September 30, 2008 deadline for the close of all discovery, would be affected. See Scheduling Order, dated Jan. 11, 2008 (Docket No. 9).

Additional time is necessary because CUNY has been unable to conduct necessary documentary and testimonial discovery due to Plaintiff's failure to timely comply with his discovery obligations. For example, Plaintiff did not provide CUNY with the full list of individuals with knowledge or information concerning the claims in the complaint or any responsive documents until July 22, 2008. CUNY initially requested this information in its interrogatories and document requests, which were served on February 22, 2008. Plaintiff's responses to CUNY's interrogatories

<sup>1</sup> Previously, the Court extended the deadline for service of interrogatories and documents requests from January 25, 2008 to February 25, 2008. (Docket No. 10).

*Application Granted  
8/4/08*  
*[Signature]*  
8/4/08

Honorable Ronald L. Ellis  
July 25, 2008  
Page 2 of 2

and documents requests were due by March 22, 2008. However, despite numerous written requests that Plaintiff comply with his discovery obligations and produce responses to CUNY's long-outstanding discovery requests, Plaintiff did not provide such information until July 22, 2008.

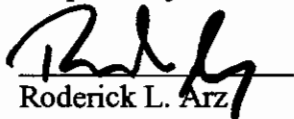
Further, as part of its document requests, CUNY also provided Plaintiff's counsel with medical record release authorization forms that provided for notarization. Plaintiff initially provided un-notarized medical release authorizations on July 14, 2008, which have proven inadequate in obtaining the medical records from all of Plaintiff's medical providers. Plaintiff did not provide properly notarized forms until July 22, 2008. This Office is currently working to obtain Plaintiff's medical records from his various medical providers with respect to his claims for emotional distress and pain and suffering.

In light of these delays, and despite its best efforts, CUNY has been unable to proceed with depositions, including the deposition of Plaintiff which was originally noticed for June 12, 2008.

Accordingly, CUNY respectfully requests an extension of the fact discovery deadline from July 31, 2008 to September 30, 2008.

Thank you for your time and consideration of this request.

Respectfully submitted,



Roderick L. Arz  
Assistant Attorney General

cc: Hon. Robert P. Patterson  
Gregory R. Preston, Esq.